

JUL 21 2005

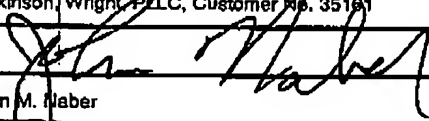
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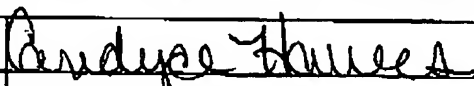
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/605,115	
	Filing Date	September 9, 2003	
	First Named Inventor	Bradley J. SEEKMAN, et al.	
	Art Unit	3841	
	Examiner Name	Troy CHAMBERS	
Total Number of Pages in This Submission	4	Attorney Docket Number	28636-2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Response to Restriction Requirement and Request for Reconsideration
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Dickinson, Wright, PLLC, Customer No. 35181	
Signature		
Printed name	John M. Naber	
Date	July 21, 2005	Reg. No. 46,487

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Date	July 21, 2005

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JUL 21 2005

Attorney Docket No. 28636.0002
Customer Number: 35161

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Bradley J. SEEKMAN et al.

Group Art Unit: 3641

Application No.: 10/605,115

Examiner: CHAMBERS, Troy.

Filed: September 09, 2003

Confirmation No.: 2114

For: LAUNCHING DEVICE

**RESPONSE TO RESTRICTION REQUIREMENT AND
REQUEST FOR RECONSIDERATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTRODUCTORY REMARKS

Sir:

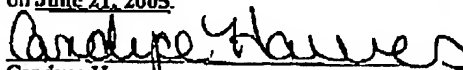
In response to the Restriction Requirement dated June 28, 2005, requesting that the Applicants elect one of three (3) inventions for prosecution on the merits, Applicants respectfully provisionally elect the following, with traverse, for prosecution in this application:

Group I, Claims 1-22, drawn to a launching device.

Additionally, Applicants provisionally elect Species A, directed to Figures 1 and 2, and Species D, directed to a cylinder containing compressed gas. Provisionally elected Species A and D read on claims 1-2, 4-12, 14-21.

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Candyce Hawes

Applicants wish to point out that species A-D, while usually independent, are related under this particular disclosure.

If any independent claims are allowed, we request the removal of the restriction requirement for any claims that are dependent as originally filed from the allowed independent claims in this application.

The Traverse is on the grounds that the search and examination of the entire application, claims 1-27 can be made without any serious burden, the Examiner must examine on the merits, even though it includes claims to independent or distinct invention (see MPEP 803). All of the claims are drawn to the launching device with varied methods of use, which does not pose a burden to search and examine. The core of the invention is the launching device. The Examiner has not stated why there is a serious burden in examining all of these claims.

The Restriction Requirement did not include claim 22, Applicant surmises that claim 22 is directed to Group I, however the claim will be considered withdrawn because it is directed to a non-elected species. Additionally, the Species requirement recites "nitrogen gas", for species D. Applicant interprets this species to be directed to all compressed gasses (not just nitrogen). Clarification of these issues is requested.

Furthermore, there is no evidence that the method claims of groups II – III are patentable without the details of group I. The relationship between the claims is such that the separately claimed group I constitutes the essential distinguishing feature of the methods in groups II-III as claimed, therefore the inventions are not really distinct and a requirement for restriction should not be made. Applicants request reconsideration and withdrawal of the above restriction requirement.

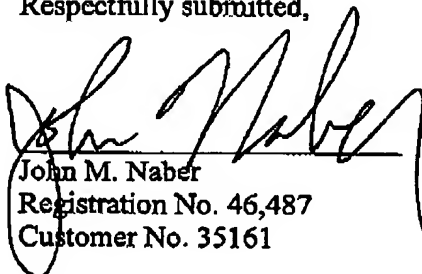
Response to Restriction Requirement

U.S. Serial No.: 10/605,115

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 04-1061.

Respectfully submitted,

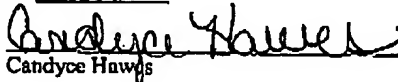

John M. Naber
Registration No. 46,487
Customer No. 35161

DICKINSON WRIGHT PLLC
1901 L Street NW, Suite 800
Washington DC 20036-3506
Telephone: 734-623-1931
Facsimile: 202-659-1559
Date: July 21, 2005

DC 28436-1 101709v1

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Response to Restriction Requirement

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